

[Wynn/Ehrlich Amendment]

H.R. 2944**AMENDMENT TO AMENDMENT IN THE NATURE OF****A SUBSTITUTE****OFFERED BY** MR. Wynn

Page 6, after line 22, insert the following new section and make the necessary conforming changes:

1 SEC. 3. STATE LAWS OR REGULATIONS NOT AFFECTED.

2 To the extent that any State law or regulatory order
3 adopted before the date 3 years after the enactment of
4 this Act addresses any matter addressed by any of the
5 following provisions, such State law or regulatory order
6 shall govern such matter in lieu of the following provisions:

7 (1) Title III of this Act (relating to consumer
8 protection).

9 (2) Section 218 of the Federal Power Act, as
10 added by section 501 of this Act (relating to retail
11 reciprocity).

12 (3) Section 210(f) of the Federal Power Act, as
13 added by section 542 of this Act (relating to inter-
14 connection)

15 (4) Section 221 of the Federal Power Act, as
16 added by section 541 of this Act (relating to aggre-
17 gation).

1 (5) Section 702 of this Act (relating to net me-
2 tering).

Page 30, after line 16, insert the following and make
the necessary conforming changes:

3 **SEC. 107. SAVINGS CLAUSE.**

4 (a) STATE AUTHORITY TO ORDER RETAIL AC-
5 CESS.—Neither silence on the part of Congress nor any
6 Act of Congress shall be construed to preclude a State
7 or State commission, acting under authority of State law,
8 from requiring an electric utility subject to its jurisdiction
9 to provide unbundled local distribution service to any elec-
10 tric consumers within such State.

11 (b) EXISTING STATE PROGRAMS.—Nothing in this
12 Act nor any amendment to the Federal Power Act made
13 by this Act preempts, overrides, or requires any change
14 in the terms of any State retail access plan enacted, adopt-
15 ed, approved, promulgated or ordered prior to or within
16 3 years after the date of the enactment of this Act to the
17 extent that such plan addresses matters within the juris-
18 diction of the State prior to the enactment of this Act.